



OLC 79-0661  
15 February 1979

MEMORANDUM FOR: See Distribution

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Legal-1

STAT FROM :   
Chief, Legislation Division/OLC

SUBJECT : H.R. 252, "Continuing Congressional Oversight Act"

1. Subject legislation has been introduced recently by Representative Ronald V. Dellums (D., Calif.) and is being forwarded to you for your review and comment.

2. As the title implies, subject legislation would grant the Comptroller General pervasive authority to conduct complete and continuing expenditure analyses re the receipt, disbursement, and application of public funds and related matters of any program or activity of any department or establishment in the Executive Branch with a view to assuring that the expenditure of funds conforms to congressional intent in authorizing such program or activity. The results of such analyses are to be made available to the President and Congress replete with recommendations for remedial legislation if necessary. In addition, the report is to be published in the Federal Register.

3. You are asked to take particular note of subsection (c), paragraphs (1) and (2) on page 4 of the bill. Paragraph (1) grants the head of any Executive Branch department or establishment being subjected to the complete expenditure analysis a national security appeal. Such an appeal must be initiated through written notice to the C.G. and to the chairmen of those congressional committees having jurisdiction over the appellant agency. Arguably, this would be the two intelligence oversight committees; however as drafted, the bill -- in not specifying the House Permanent Select Committee on Intelligence and the Senate Select Committee on Intelligence for Intelligence Community entities -- leaves this question open. This fact notwithstanding,

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it must be understood that the appeal represents no exemption for intelligence matters; the "complete expenditure analysis" will be done, albeit by a congressional staff and a public report filed.

4. There is one political reality that must be factored into any analysis of this bill and its prospects of movement through the legislative process. You will note that the bill has been referred to the House Committee on Government Operations chaired by Representative Jack Brooks (D., Tex.). Chairman Brooks is author and chief sponsor of H.R. 24, the "General Accounting Office Act of 1979," which is also up for consideration before the same Committee. It would appear, at first blush, that Mr. Dellums' "complete expenditure analysis" is no more than a euphemism for Chairman Brooks' confidential funds expenditures audit. If this is the case we may be assured that Chairman Brooks will see to it that the emphasis of his Committee is put on his bill, not on Mr. Dellums. Similarly, while neither bill is to our liking, we would "support" that bill which -- through amendatory language -- takes into account our equities. Since at this stage we are unsure of the fate of either our amendatory language to H.R. 24 or Chairman Dellums' bill, we would ask that you carefully review and analyze the subject legislation.

5. Please review the proposed legislation and inform Mr. [redacted] an Attorney on my staff, of any comments you might have.

SIGN

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Attachment

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